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Attorney's Docket No.: 16614-030001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Thomas E. Tarara et al. Art Unit : 1616
Serial No. : 10/612,393 Examiner : Sharmila S. Gollamudi
Filed : July 3, 2003
Title : ENGINEERED PARTICLES AND METHODS OF USE

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the action mailed September 10, 2004, applicants elect the invention of Group IV, claims 24-26, drawn to the embodiment of preparing microparticles, classified in class 516, subclass 11. The election is made with traverse.

Applicants traverse the restriction requirement for the following reason. A Request for Declaration of Interference with U.S. Patent No. 6,416,739 ("the '739 patent") was filed in this application on January 29, 2004. Each independent claim of this application corresponds to a claim of the '739 patent. Applicants submit that restriction of the claims in this instance, rather than avoiding an undue burden, actually creates an undue burden on the Office because it requires the declaration and disposition of four separate interferences to determine priority of invention of a single patent and a single application. Accordingly, applicants hereby request that the restriction requirement be withdrawn.

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March 9, 2005
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Respectfully submitted,

Date: March 9, 2005

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